United Nations A/C.6/62/SR.1

General Assembly
Sixty-second session
Official Records

Distr.: General
22 October 2007
Original: English

Sixth Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Monday, 8 October 2007, at 10 a.m.

Chairman: Mr. Tulbure ..... (Moldova)

Contents

Election of a Vice-Chairman

Organization of work

Statement by the Legal Counsel

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07-53180 (E)

The meeting was called to order at 10.05 a.m.

Election of a Vice-Chairman

1. **The Chairman** said that Ms. Odaba-Mosoti (Kenya) was no longer available to serve as a Vice-Chairman of the Committee. The Group of African States had therefore nominated Ms. Orina (Kenya) for the office of Vice-Chairman.

2. *Ms. Orina (Kenya) was elected Vice-Chairman by acclamation.*

Organization of work (A/C.6/62/1 and A/C.6/62/L.1)

3. **The Chairman** said that, in an interdependent world, international law formed the basis for a peaceful, prosperous, progressive and just society. The General Assembly had, at every opportunity, and notably in the 2005 World Summit Outcome, reiterated its conviction that the interests of all States were best served by strict adherence to the norms and principles of international law. He looked forward to working with Committee members in the discharge of the responsibilities entrusted to the Committee by the General Assembly.

4. He drew attention to the allocation of agenda items to the Committee as contained in document A/C.6/62/1 and to the note by the Secretariat on organization of work (A/C.6/62/L.1), in particular paragraphs 7 to 9 concerning the establishment of working groups. With regard to agenda item 137, "Administration of justice at the United Nations", he recalled that the General Assembly had decided, in its resolution 61/261, to allocate the item to the Fifth Committee and the Sixth Committee with the objective of implementing the new system of administration of justice no later than January 2009. It was his understanding that the Sixth Committee wished to establish a working group on administration of justice at the United Nations, chaired by Mr. Sivagurunathan (Malaysia), in order to fulfil the mandate entrusted to the Committee by the General Assembly.

5. *It was so decided.*

6. **The Chairman**, referring to agenda item 108, "Measures to eliminate international terrorism", said he took it that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, to establish a working group, chaired by Mr. Perera (Sri Lanka), to continue the work of the Ad Hoc Committee, and that the working group, like the Ad Hoc Committee, would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency.

7. *It was so decided.*

8. The Chairman, referring to agenda item 80, "Criminal accountability of United Nations officials and experts on mission", said he took it that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee on criminal accountability of United Nations officials and experts on mission, to establish a working group, chaired by Ms. Telalian (Greece), to continue the work of the Ad Hoc Committee, and that the working group, like the Ad Hoc Committee, would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, pursuant to General Assembly resolution 61/29.

9. *It was so decided.*

10. **The Chairman** drew attention to the proposed timetable for the consideration of items contained in paragraphs 3 to 6 of the note on organization of work (A/C.6/62/L.1) and noted that the Bureau had proposed that the report of the International Law Commission on the work of its fifty-ninth session (A/62/10) should be considered in two parts. He took it that the Committee agreed with that proposal.

11. *It was so decided.*

12. **The Chairman** said that, in accordance with the established practice, the proposed work programme would be applied with flexibility in the light of the progress made by the Committee and that the Committee would take action on draft resolutions as soon as they were ready for adoption.

13. The Committee must allow sufficient time for the preparation and consideration of the estimates of expenditure arising from draft resolutions. Since the Committee was due to conclude its work on 15 November 2007, all draft resolutions with financial implications must be submitted to the Fifth Committee by 2 November 2007, except for those relating to agenda items due to be considered after

that date. He took it that the Committee wished to proceed on the basis of the proposed work programme.

14. *It was so decided.*

15. **The Chairman** stressed that the Committee was required to make full use of conference resources and facilities. Although over the past three sessions it had showed an improvement in that regard, during its last session it had lost over five hours because of meetings starting late and ending early. Its conference service utilization factor would improve still further if discussions began on time and if, in the event of the Committee being unable to proceed with the discussion of one item, delegations were prepared to consider the next item on the agenda. The Committee would continue to follow the practice of the General Assembly in giving precedence on the list of speakers to representatives of regional groups or groups of States. He drew attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

Statement by the Legal Counsel

16. **Mr. Michel** (Under-Secretary-General for Legal Affairs, the Legal Counsel) said that he was conscious of the important role played by the Committee in the codification of international law. The numerous instruments that it had adopted had reaffirmed the primacy of international law in the service of the international community.

17. The report of the International Law Commission remained a central focus of the Committee's deliberations, and at its current session it would be required to take decisions under three items relating to some of the Commission's previous work, namely, "Responsibility of States for internationally wrongful acts", "Diplomatic protection" and "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".

18. Three other agenda items related to the diverse roles of the individual in an international social environment. One reflected the need to enhance the legal framework for ensuring the accountability of those who committed egregious crimes. The Organization had already done groundbreaking work on individual criminal responsibility, and he hoped that, under the Committee's auspices, progress would be made in the negotiation process towards the adoption of a draft convention on international terrorism. Concern with the position of the individual as a perpetrator of crime in the international system had found expression in the recent focus on the question of the criminal accountability of United Nations officials and experts on mission. Through the work of the Ad Hoc Committee on the subject, to be continued by the relevant new working group, the international community had an opportunity to respond resolutely to the incidents that had tarnished the good image of the United Nations and undermined the confidence and trust on which its legitimacy and the effectiveness of its action to protect innocent lives largely depended. The third issue touching on the individual dimension of the rule of law concerned the Organization's internal system of justice for its staff, which for many years had fallen short of the standards that it urged on others. The challenge of establishing a professional and independent system had been addressed in the report before the Committee (A/62/294), which set out the main elements of the proposed new legal framework and provided additional details on specific processes.

19. The United Nations was the natural forum for discussing the rule of law. Indeed, any risk to the rule of law worldwide affected the Organization's mission in maintaining international peace and security. It was therefore all the more important that the challenge taken up by the Committee of considering rule-of-law issues at national and international levels should be addressed with all due care. The Committee could be assured of the continued support of the Office of Legal Affairs for its work.

The meeting rose at 10.55 a.m.